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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOSE JESUS MUÑOZ,  
Defendant.

Case No. CR 16-00125 BLF

**STIPULATION AND [PROPOSED]  
ORDER RE: SENTENCE REDUCTION  
UNDER USSG AMENDMENT 821**

The parties, by and through their respective counsel, HEREBY STIPULATE AND AGREE:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).

2. Defendant's guideline calculation at the time of sentencing was as follows:

Total Offense Level: 33

**Criminal History Category:** I

Guideline Range: 135-168 months

Mandatory Minimum: not applicable (safety valve)

3. On March 28, 2018, Defendant was sentenced to 120 months' imprisonment.

1       4. According to the Bureau of Prisons, Defendant's projected release date is November 22,  
2 2025.

3       5. Beginning November 1, 2023, this Court may order a modification of a defendant's  
4 sentence pursuant to 18 U.S.C. § 3582(c)(2), USSG § 1B1.10, and Amendment 821, Part B, Subpart  
5 1 (Zero-Point Offenders) to the Sentencing Guidelines.

6       6. Defendant's amended guideline calculation is as follows:

7              Total Offense Level: 31

8              Criminal History Category: I

9              Guideline Range: 108-135 months

10             Mandatory Minimum: not applicable (safety valve)

11       7. The parties have no reason to dispute the Sentence Reduction Investigation Report  
12 prepared by the Probation Office, which will be submitted to the Court forthwith.

13       8. Based upon the foregoing, including Defendant's post-sentencing conduct, the parties  
14 hereby stipulate and request that the Court enter an order **reducing Defendant's total term of  
15 custody to 108 months.**

16       9. The parties further stipulate that all other aspects of the original judgment entered on  
17 March 30, 2018, including the length of the term of supervised release, conditions of supervision,  
18 fines, restitution, and special assessment shall remain unchanged.

19       10. Defendant waives and does not request a hearing in this matter, pursuant to Fed. R.  
20 Crim. P. 43, 18 U.S.C. § 3583(c)(2), and *United States v. Booker*, 543 U.S. 220 (2005).

21       11. Defendant waives his right to appeal the district court's sentence, provided that the  
22 Court accepts this Stipulation and orders the agreed upon reduction.

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12. Accordingly, the parties agree and request that an amended judgment in accordance with this stipulation be ordered by the Court pursuant to 18 U.S.C. § 3582(c)(2), USSG § 1B1.10, and Amendment 821 to the Sentencing Guidelines.

IT IS SO STIPULATED.

Dated: February 21, 2024

JODI LINKER  
Federal Public Defender

/s/

Dated: February 21, 2024

ISMAIL RAMSEY  
United States Attorney

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/s/  
JEFFREY A. BACKHUS  
Assistant United States Attorney

## **IT IS SO ORDERED.**

Dated: April 24, 2024

HON. BETH L. FREEMAN  
United States District Judge